

Dr Elizabeth Constable; Mr Jim McGinty; Chairman; Ms Sue Walker; Mr Dan Barron-Sullivan; Ms Margaret Quirk; Mr Tony Dean; Mr Tony O'Gorman; Mr Shane Hill

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**Division 29: Justice, \$506 120 000 -**

Mr Edwards, Chairman.

Mr McGinty, Minister for Justice and Legal Affairs.

Mr A. Piper, Director General.

Mr R.A. Harvey, Executive Director, Community and Juvenile Justice.

Mr R.W. Warnes, Executive Director, Corporate Services.

Mr G. Thompson, Executive Director, Court Services.

Mr T.W. Simpson, Executive Director, Prisons.

Mr R.M. Carter, Acting General Manager, Community Justice Services.

Mr P.J. King, Director, Financial Management.

Ms J. Roberts, Public Advocate.

Mr G.W. Turnbull, Director of Legal Aid, Legal Aid Commission.

Ms A.R. McLaren, Public Trustee, Public Trust Office.

Mr D. Cloghan, Chief of Staff, Office of the Attorney General.

Ms M. Garnett, Principal Policy Officer, Office of the Attorney General.

Dr CONSTABLE: I refer to page 509, output 7, adult offenders managed. I have a particular interest, as the minister will realise, in rehabilitation programs. What is the total proportion of this budget allocated to rehabilitation programs, broken down into programs for drug offenders, sex offenders and violent offenders; education programs; and rehabilitation and support after people leave the prisons? What is the allocation of funds for each of those categories, and the number of full time equivalents?

Mr McGINTY: I ask Mr Terry Simpson to deal with the first part of that question. The part of the question about programs for people after they leave prison can be answered by Mr Robert Harvey. It is better if they give a detailed answer to questions asked by the member for Churchlands, but I will be happy to add to the answers if required.

Mr SIMPSON: The allocation of funds in the Department of Justice budget to rehabilitation programs, in the area of education programs, is just under \$3 million per annum. A similar amount of \$2.7 million to 2.8 million is allocated to rehabilitation programs, which includes sex offender treatment, violent offender treatment and substance abuse programs. The amount spent on substance-related programs to date has been slightly below \$900 000 a year. I cannot give the exact breakdown between other program areas.

[11.30 am]

Dr CONSTABLE: What about the full-time equivalent positions?

Mr SIMPSON: I cannot give details of the FTEs associated with them.

Dr CONSTABLE: Can I have the information as supplementary information? I want to know about the FTEs in each of the programs.

Mr McGINTY: As of today's date?

Dr CONSTABLE: Give me a date. I want to clarify that the application of money we have just heard about comes from the total cost output. Is that the case?

Mr McGINTY: Yes.

Dr CONSTABLE: The amounts will come out of the estimated budget of \$284 million?

Mr McGINTY: Yes.

Mr SIMPSON: I have given the member the cash cost of running the programs. The full output includes a range of accrual costs on top of that, which are not part of the costs I have given the member.

Dr CONSTABLE: I asked about the percentage of the budget spent on rehabilitation. If I need to do calculations I need the percentage as well as the amount.

Mr McGINTY: I will provide by way of supplementary information details of substance abuse programs, sex offender programs, violent offender programs and education programs. I will include the amount of money

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spent on each, the number of FTEs allocated to each program and the percentage of the department's overall budget.

Dr CONSTABLE: I also want details of the rehabilitation and support budget that is used to help prisoners after they leave the prison system.

Mr McGINTY: If the member is happy with my response so far, I will ask Mr Harvey to answer the issue just raised.

The CHAIRMAN: The minister agrees to provide supplementary information to the member for Churchlands?

Mr McGINTY: Yes.

*[Supplementary Information No B17]*

Mr HARVEY: The figures provided are for community justice and include those on community orders as well as those that are post-prison.

Dr CONSTABLE: I am interested in the continuing rehabilitation support for prisoners who leave prison, including prisoners who come out of the sex offender program, the violent offender program and so on. What education programs are there?

Mr HARVEY: I only have aggregated figures for community justice. I do not have disaggregated figures for people who are released from prison. I am happy to provide the information later.

Dr CONSTABLE: I want details of the funding for the programs as supplementary information.

Mr McGINTY: If Mr Harvey can give the aggregated figures for community justice now, I will undertake to provide what information I can on people who previously underwent programs in prisons in those three areas. I am not sure whether education would count.

Dr CONSTABLE: Yes. If there is nothing in education I want to know that.

Mr McGINTY: If someone did an education program in pottery or literacy in prison, it is unlikely that it would be continued when the person was released into the community. A substance abuse program, a sex offender program or a violent offender program might well be continued. Those are the three areas.

Dr CONSTABLE: If a person is on a literacy program in prison, will he receive support when he leaves prison or will he be directed into a continuing education program?

Mr McGINTY: A person would not be directed, but he might be channelled. It would not be done through community justice arrangements. It probably would be with the abuse areas rather than general educational programs. It might be suggested to someone that he do a literacy course at TAFE. That is not something that would show up.

Dr CONSTABLE: I also want information on the FTEs.

The CHAIRMAN: Am I to take it that Mr Harvey will provide information now and the minister will provide supplementary information to the member for Churchlands?

Mr McGINTY: Yes, in respect of those people who leave prison and who were in prison on drug, sex or violence programs. We will provide information on the number of FTEs, the amount of money spent and the nature of the programs, which are often conducted in the community.

*[Supplementary Information No B18]*

Mr HARVEY: The aggregated figure I have for substance abuse in 2000-01 is \$423 000. Psychological counselling cost \$724 000, domestic violence cost \$490 000 and our support for the drug court cost \$2.4 million. The drug court support is part program and part supervisory.

Ms SUE WALKER: I am interested in the detection of drug use in prisoners and the barrier controls to prevent the smuggling of drugs into prisons. I refer to page 495 of the *Budget Statements*, which refers to the fact that drugs and the impact of their use and trafficking remains a major issue that will occupy the department in coming years. Management of this complex issue involves a broad range of initiatives that include working with other agencies.

How is the detection of drug use by prisoners measured? How much do the measures cost? What authority does the department have to impose measures? Where is the budget for the measures contained in the *Budget Statements*?

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I have the same questions regarding barrier controls. What initiatives are in place in each prison in Western Australia? How often are barrier control exercises conducted? Where is the budget allocation contained?

Mr McGINTY: I make the general observation that the primary means of testing prisoners for the use of illicit substances is urine analysis. Of prisoners tested for illicit drug use in 1997-98, 1 259 positive tests were conducted involving 872 individual prisoners. In 1998-99, 1 603 positive tests were conducted involving 1 046 individual prisoners. In 1999-2000, 1 666 positive tests were conducted involving 1 337 individual prisoners, and in 2000-01, 1 571 positive tests were conducted involving 922 individual prisoners.

The member asked generally about what is being done in this area. Reference has been made to the use of dogs in prisons to detect the presence of drugs. The dogs are highly trained and very effective, from what I have been able to observe. I have witnessed them being used to detect drugs on visitors to prisons. The Government has taken legislative action but, again, it is held up in the Legislative Council. The Government has also taken initiatives to introduce more sophisticated identification measures to stop people using false names when entering prisons.

We are also introducing new gatehouse procedures that will involve searching staff and visitors. We have introduced the drug-free wing at the Wooroloo Prison Farm. We are incorporating into our prisons the best technology and best practice that is available from around the world. Mr Alan Piper, the director general, should be able to add some more detail to the questions on the cost of and the authority and budget for testing drugs in prisons and then later the barrier issues.

[11.40 am]

Mr PIPER: It is a very complex range of issues, and I will try to cover them both generally and specifically. As has been indicated in the point that the member referenced in the budget papers, there are a range of issues, some of which are outside the prisons area - for example, the implementation of the drug court, which is working with offenders and attempting to keep them out of prison by treating them on a therapeutic basis. With barrier detection, we have significantly increased contraband detection and biometric identification. Initially, that will be focused mainly at Casuarina and Hakea Prisons. We have allocated \$1 million in capital expenditure to upgrade the facilities at those prisons. A project is under way which involves some of the things people would expect, such as enhanced bag scanning using some of the modern technology, as well as airport-style detection and the introduction of biometric identification of people coming into prisons. We are now much clearer about who is coming into prisons and the conditions under which they can come in. We are also establishing some practical rules about the sorts of things, for example, that staff can bring in with them and how we work with that. Clearly, our information and the report of the drug use careers of offenders project shows that visitors are still a significant source of drugs being brought into prisons. We have also had a couple of instances of staff bringing drugs into prisons. These were well publicised in the media earlier this year. That is a significant initiative because of the nature of the secure prisons, which are the major focus of not only our ability to keep drugs out but also our need to keep drugs out from the point of view of management and the demand for drugs. Our focus is not only on the implementation of technology. Within existing budgets, we will be reorganising the management of both those gatehouses. That will ensure we have a more independent management presence in both those gatehouses and will provide some assurance of independence of process in how that is managed. Also, in a number of the prisons, as a barrier management measure, we have shifted the focus from strip-searching visitors to allowing only non-contact visits once the drug dogs detect drugs. Basically, a small group of people who visit prisons are able to go through the strip-search process and still carry drugs. If they then go to a non-contact visit, the drugs cannot be passed. Indications are that those sorts of measures are increasingly effective. We have also upgraded our assessment processes for prisoners on arrival at the prison. The previous process for assessment of prisoners was much more of a prison officer-driven questionnaire. We now take prisoners on arrival at Hakea Prison through a two-week process that has a multidisciplinary approach. We involve medical and program staff and people with therapeutic and counselling skills, and we undertake a security assessment. That allows us to be more certain at the entry level of detecting people who are either drug dependent or drug using, both from the point of view of managing their security and their relationships with other prisoners and in better assessing and placing them in a situation in which they can receive therapeutic assistance. Clearly, there has been a significant refocusing of program delivery in not only bringing forward what would be considered detoxification and palliative care for some of those prisoners, but also shifting our program intervention away from what would be called low impact or general education on drugs to more medium and intensive drug programming. Our review of that area indicated that those resources were, in effect, not making an impact and that holding a general session on drug awareness with drug dependent people was hardly going to assist them. That refocusing has meant that, properly applied through the assessment process, we have a much better understanding of the pathways that we require to apply our program resources where they are likely to make a difference, as opposed to spreading them evenly. There are a number of other issues about

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the program side, but the member asked specific questions about the cost of testing. Mr Simpson is better able to answer the detailed questions about costs.

Ms SUE WALKER: Could I get those answers by way of supplementary information? How is the drug use that is detected in prisons measured? What is the cost of those measures and where are they in the budget? In relation to barrier controls, what initiatives are used by the Department of Justice, how much do they cost and where are they in the budget? I would like to have that by way of supplementary information because I would like to ask a further question about barrier controls that was brought up by the Attorney General.

The CHAIRMAN: Minister, do you agree to provide supplementary information?

Mr McGINTY: The first question was, how is the testing done?

Ms SUE WALKER: What measures do you use to detect drugs in prisons?

Mr McGINTY: We have answered that question and there is nothing more that we can add to the answer that has already been given. What more information does the member want?

Ms SUE WALKER: I want to know all the measures that are used to detect drugs in prison, not just the minister's analysis of them. I want to know how much they cost and where they are in the budget?

Mr McGINTY: In respect of the measures, I can add nothing to what Mr Piper and I have already indicated. We have mentioned sniffer dogs and the gatehouse project. We have relayed a series of things to the member. There is nothing more that I can add to that. In terms of the cost of providing testing for illicit substances in prisons, we will undertake to provide by way of supplementary information the costs of providing -

Ms SUE WALKER: I would like the cost of providing those individual tests.

Mr McGINTY: I will undertake to provide by way of supplementary information the cost of each method of testing for illicit substances in prison.

*[Supplementary Information No B19]*

Ms SUE WALKER: My second question related to the initiatives and analysis of costs for barrier controls in each prison.

Mr McGINTY: I am not sure what the member is asking for that we have not already given.

The CHAIRMAN: Will the member qualify the question?

Ms SUE WALKER: I asked about barrier controls. For instance, we were told about dogs. I would like to know at which prisons the dogs are used and how often? Also, what other initiatives are in place? We have been told there is biometric identification, although I cannot understand how that detects drugs. I want to know what is being used, what it costs and in which prisons it is used.

[11.50 am]

Mr McGINTY: I can answer most of those questions now. Does the member for Nedlands want information on the cost of the dog squad?

Ms SUE WALKER: I will go through it logically. What barrier controls are used to detect drugs in each prison in the State?

Mr McGINTY: We have already answered that.

Ms SUE WALKER: I would like to know that information for each prison for which the Attorney General has not provided an answer. What are the individual costs for each barrier control and where is that information contained in the budget?

Mr McGINTY: By way of supplementary information, I will undertake to provide the cost of each barrier control to deal with drugs entering prisons and the total amount for the prison system.

Ms SUE WALKER: I would like to know what barrier controls are used in each prison in the State.

Mr McGINTY: I have told the member that I have answered that and I cannot add anything to it.

Ms SUE WALKER: I want to know what barrier controls are used in each prison. For example, is the dog squad used in the Broome and Kalgoorlie prisons? How much does each barrier control cost the State? What funds have been allocated for those barrier controls and how much money does the State collectively spend on barrier controls? Where are those allocations in this budget?

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Mr McGINTY: The difficulty with the member's question is that the dog squad used to detect drugs moves around on an as-needs basis; there is no once-a-month formula for its use. It might be used weeks or days in a row for one prison and it might not be used at the Broome prison for a year. It is available to the prison system and is used on an as-needs basis. I am happy to provide the cost of each of the barrier controls. However, it is the job of the prison officers to secure the facilities and, among other things, to stop drugs coming into prisons. Do we allocate all of the cost of employing prison officers because that is one of their duties? I find it hard to deal with the question in the way the member for Nedlands has formulated it. I am happy to provide the costs for each barrier control that is used for the purposes of detecting and preventing the entry of drugs into prisons throughout the prison system; however, other measures are taken incidentally as part of the job of prison officers. I do not know what information could be provided in addition to what I have undertaken to provide. I have already indicated the barrier controls that are in place and Mr Piper has indicated the nature of the initiatives that have been taken in that area. At each prison, it is the job of prison officers to do that. I am not sure how to formulate the answer and that is why I am having difficulty undertaking to provide any further information than what I have already indicated.

The CHAIRMAN: If the Attorney General agrees to provide the supplementary information that he has outlined, I will allocate a supplementary information number to that. We may be at an impasse on the question that the member for Nedlands asked; therefore, I suggest that if she is not getting the answer she requires, perhaps she should put it as a question on notice. Otherwise we will bog down the committee on the question. I suggest that is the best way to go to facilitate the continuation of questions.

*[Supplementary Information No B20]*

Ms SUE WALKER: I will accept that the information be provided as supplementary information. However, I wish to ask a further question that relates to my original question that I have not yet had the opportunity to ask. This morning I received information that Casuarina Prison holds 26 visitor sessions a week and that hundreds of visitors go there. The prison staff say that they are lucky if they can get the dog squad once for those visitor sessions. How many dog squads are there in Western Australia for 13 prisons?

Mr McGINTY: The State has one dog squad to service the State. The important issue is the number of dogs and dog handlers. Mr Simpson advises me that there are about 12 dogs, some of which are passive and some of which are active.

Mr PIPER: The difference between a passive and an active dog is that a passive dog indicates it has found drugs by sitting. That is the same as the quarantine control dogs at the airport. Passive dogs are used in visiting areas and places where there are children and they usually have a more benign presence. On the other hand, active dogs are able to and will tear a cell apart if they are told to find drugs, for example. They will dig for the drugs, whereas the passive dogs are trained to indicate when they detect drugs by sitting. It is appropriate to use active dogs when conducting a cell search in a prison and where there has been a strong attempt to hide or secrete drugs within a prison confine and staff are available to control the process. However, it is completely inappropriate to use an active dog in a visiting area where there are parents and children. That is the difference between the two types of dogs.

Mr BARRON-SULLIVAN: I am interested in pursuing the matter of urine analysis testing. Is random testing done on roughly five per cent of the prison population each time it is conducted?

Mr McGINTY: It is done on a needs basis. Often when testing is carried out, it is as a result of an indication that it must be done. The member might be interested in the figures that show the percentage of the total prison population who have tested positive to drug use over the past four years. To get these figures, the total number of prisoners must be divided by the number of individuals who tested positive to illicit substance use. The percentage of the total prison population who tested positive for drugs in 1997-99 was 15.5 per cent; in 1999-2000, it was 18.1 per cent; and in 2000-01, it was 11.9 per cent.

These figures were also given to the member for Churchlands in response to a parliamentary question that she asked earlier this year.

[12 noon]

Mr BARRON-SULLIVAN: Let us say that it is done on an as-needs basis. What is the basis for a urine analysis test at Casuarina Prison? Is such a test carried out on a monthly basis, or is it carried out on the basis of one in 20 prisoners?

Mr McGINTY: There are two types of testing. Firstly, there is the targeted testing to which I earlier referred. This is done on the basis of a suspicion, belief or information that suggests that there is a problem in a particular area. Secondly, there is random testing, and I believe this was the type of testing the member for Mitchell had in mind when he asked his question.

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Mr BARRON-SULLIVAN: Were the 922 prisoners tested in 2000-01 target tested or were they tested at random?

Mr McGINTY: The question asked was what is the total number of prisoners who tested positive for illicit drug use in each of the years. The total number is 922.

Mr BARRON-SULLIVAN: Does that figure also include those who were tested at random?

Mr McGINTY: Yes.

Mr BARRON-SULLIVAN: It is my understanding that a relatively low percentage of prisoners are subjected to random urine analysis testing. If the figure of 922 represented around five per cent of those who were tested throughout the system - if that is the case - and if that figure were extrapolated to the whole prison system, approximately 50 000 prisoners would be on drugs each year. How are the drugs getting into the prisons? As the minister stated earlier, drugs are getting into prisons predominantly through visitor contact. If we have this type of drug-use crisis in our prisons, particularly in our maximum security prison, should we not shut down contact visits until the problem is under control? Why do we not stop contact visits at Casuarina Prison tomorrow? The perspex screens can still be used, and more hardware can be installed. However, prisoners and their visitors will no longer be able to meet in the little room that allows them to pass things under the table. We can also knock on the head the various other ways of smuggling in illegal items, the likes of which have been documented by video cameras. Contact with maximum security prisoners should be knocked on the head until the area control to which the member for Nedlands referred is achieved. We must have as near a 100 per cent fail proof system as possible.

Mr McGINTY: The prospect of 50 000 prisoners testing positive to drugs each year somewhat belies the fact that Western Australia has under 3 000 prisoners in the prison system. The prospect of 50 000 prisoners testing positive to drugs is remote.

Mr BARRON-SULLIVAN: The minister has stated that 922 prisoners in the prison system have tested positive to drugs. That is unbelievable.

Mr McGINTY: We do not have 50 000 prisoners -

Mr BARRON-SULLIVAN: The point I am trying to make is that if, on the basis of the small sampled selection, the figure is 922, I dread to think what percentage of Western Australia's prisoners are on drugs. If we extrapolate the figure of 922 in a purely mathematically way, we get 50 000 prisoners who could be on drugs. As the minister has just stated, that is impossible. What can be done about this? The minister has already stated that the drugs are being smuggled into prisons through contact visits. Why not knock the contact visits on the head, particularly in maximum security prisons, and why not do it tomorrow morning?

Mr McGINTY: Because it has already been done. If there is any reason to believe that a person visiting a prison is connected with drugs, that person will be denied a contact visit.

Mr BARRON-SULLIVAN: I am talking about a blanket ban.

Mr McGINTY: Every time the member for Mitchell interrupts I will go back and start again.

Contact is denied if a visitor is believed to have a connection with drugs. I will give the member examples of the way in which drugs are brought into prisons, and the strong action that was recently taken at Bunbury Regional Prison to prevent drugs from being smuggled in. I am sure the member for Bunbury will be interested in what I have to say. At times, the methods used to smuggle drugs into prisons are quite ingenious. For example, drugs have found their way into prisons by being thrown over the fence. In a minimum security setting, or where the prison is too close to a fence, drugs have been placed in a tennis ball and thrown over the fence at a pre-arranged time. Drugs also find their way into prison by being secreted in a person's body. The Government will not tolerate drugs in prisons, and it has been successful in catching and convicting prison officers who have been responsible for smuggling drugs into prisons. The Government has also run a high-profile campaign against visitors to prisons. We are attacking the problem in many ways. Mr Piper previously illustrated a number of other measures that have been taken in order for the Government to come to grips with the problem. If there is a suspicion that a visitor is attempting to pass drugs to a prisoner, the visitor will be denied a contact visit, and therefore the ability to pass on the drugs. This matter requires a sensible approach that takes into account every possible way that drugs can be smuggled into prisons. It must also take into account ways in which prisoners can be encouraged to kick their drug habit while they are still in prison. When the Government took the initiative of establishing the drug free unit at Wooroloo Prison Farm, the only person who complained about that measure was Liam Bartlett, who speaks on ABC radio. He thought the idea of doing something about drugs in prisons was insane. There are all types of wacky ideas in the community, some of which are suggested by shock jocks and people of that nature. If the Government wants to reduce the level of offending, it is faced with the

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challenge of preventing drugs from being smuggled into prisons. It must also offer every assistance to prisoners so that they kick their drug habit. I am keen to look at many initiatives that have not yet won the favour of the Department of Justice. I hope to achieve a better consensus about the arrangements for dealing with a prisoner's drug problems so that prisoners are not released arguably worse for the experience.

Dr CONSTABLE: A lot more money has to be spent to do the job.

Mr McGINTY: It is not simply a matter of spending more money; it is a matter of spending it intelligently - I am sure the member would appreciate this more than most - on programs that will work.

Ms QUIRK: I draw the minister's attention to the last dot point on page 495 of the *Budget Statements*. How will the Government implement its strategy of imposing court fees that more realistically reflect the costs of running courts?

Mr McGINTY: The question of court fees is a difficult one, and it has been this way for some time. It is not simply a question of revenue, because if Western Australia has low court fees it is the taxpayer who must foot the bill. The Government gazetted increased court fees which approximated the rates payable by court users elsewhere in Australia but were less than those generally applicable in the Federal Court. The Federal Court is the competing jurisdiction, particularly for corporate work, but also for a number of other matters that may be dealt with by the courts. I was disappointed when the Liberal Party moved a disallowance motion on the matter, and when it sought to vote down a measure that would require users of the court system, particularly corporate users, to make a greater contribution to the cost of justice, because they have often used the system for their own commercial advantage. It is unconscionable that the Liberal Party attempted to deprive the budget of two and a half million dollars worth of revenue.

The Greens (WA), however, were sensible in their discussions. Although I do not approve of the concessions they extracted from us, at least they were able to sit down and talk sensibly, which is something that the Liberal Party was not prepared to do. The Liberal Party seemed more intent on a bit of guerrilla warfare in the suburban trenches by calling into account court fees, which I think most people in the community thought were fair and reasonable.

[12.10 pm]

Mr DEAN: I draw the minister's attention to dot point three on page 511 under the major initiatives for 2002-03. It indicates that the Government will continue the process of realigning the prison system and defining the roles and responsibilities of prisons as a consequence of Acacia Prison operating at full capacity and the reducing imprisonment rate in Western Australia. Bunbury Regional Prison has been mentioned a few times. I am being very parochial. I know that the minimum-security wing in Bunbury has been closed. Can the minister outline any increased role or responsibility for Bunbury Regional Prison?

Mr McGINTY: Quite an amazing adjustment is taking place within the prison system in Western Australia at the moment. I will put it in a historical context. The rate of imprisonment escalated dramatically. In about 1998-99, the total prison population in the Western Australian system jumped from just over 2 000 prisoners to just over 3 000. In round figures, it increased from 2 200 to 3 200, which is an increase of approximately 50 per cent over a couple of years as a direct result of the initiatives of the then Government. Obviously that had resourcing implications. The cost of providing a prison system was going through the roof. That meant that in the context of a balanced budget, resources had to be taken out of areas such as schools and hospitals to pay for an ever-expanding prison population. When we came to government, we found that a lot of the offenders who were being incarcerated under the previous policy were at the lesser end of the scale. People were being imprisoned for driving without a motor vehicle licence and for a raft of fairly minor offences. Often that was reflected in the length of sentence that was handed down; that is, sentences of less than six months. We made a policy decision, and legislation will be introduced into the Parliament next month to abolish, among other things, sentences of less than six months. That is based on a very clear view that if the penalty that the magistrate or judge intends to impose is something in the nature of a short, sharp shock, it is in conflict with the statutory direction to use imprisonment only as a last resort. There is no doubt that imprisonment must be available for people who commit serious crimes; that is the appropriate use of imprisonment. However, we found that prisons were being clogged up by double-bunking. The prison population dramatically exceeded the prison capacity during the last few years of the coalition Government. In 1999, Department of Justice projections for the prison population, and therefore the cost of the prison population, indicated that for 2000-01, the prison population would be 3 000; for 2001-02, it would be 3 250; for 2002-03, it would rise to 3 450; for 2003-04, it would be 3 575; for 2004-05, it would be 3 725; and for 2005-06, it would be 3 860. The most reliable figure for keeping a person in prison is \$63 000 a year, and that figure came out of the most recent Council of Australian Governments report. That is the explosion that would have occurred in our prison population had we continued to lock up many people who fit into the minor end of the offending scale. If people view prisoners as a counterproductive experience, and

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many increasingly do, an awful lot of taxpayers money is being wasted. The costs associated with that indicate that the total cost of providing the prison service in this State over that six-year period is \$1 109 million.

Mr DEAN: That is over \$1 billion.

Mr McGINTY: Yes; it will cost \$1.1 billion to provide the prison service in this State for the six years from 2000-01 to 2005-06. As a result of initiatives that have been put in place in recent times, and as a result of the dramatic decline in the prison population, there will be fewer than 3 000 prisoners in the prison system in 2005-06. That will mean a saving of \$109 million to the taxpayers in this State, if the previous projections had gone ahead. That money can then be spent on schools, hospitals and other purposes.

As a result of changed policy in recent times, the prison population has fallen from a high of about 3 200 last year to 2 765 as at today. There has been a decline of a little under 450 prisoners in the total prison system, including Acacia Prison. I make no separation between the public and private areas. That is a decline of just under 15 per cent in the prisoner population. If we look at the per capita cost of keeping a prisoner in jail for that time, it is easy to see how, by redirecting minor offenders towards punishment in the community, not clogging up the jails, not having double-bunking, not having the attendant problems of deaths in custody and providing proper programs to people, the whole management of prisons will be far more efficiently handled. People will be able to talk to and deliver programs to prisoners, because those people who do not need to be there will be removed from the system. That is a fundamental change that is taking place. Most prisons in the State, except some of the far-flung regional prisons, are affected by that. The minimum-security wing at the Bunbury Prison Farm is in the process of being shut, if it has not been shut already. There have been unit closures at Albany Regional Prison.

The CHAIRMAN: Obviously the minister is winding up his remarks.

Mr McGINTY: I will be very brief. We are shrinking the size of the prison population. That will be exacerbated by the shift of some 650 or 700 prisoners from the state prisons into Acacia Prison by the end of next month. That will have the effect of reducing the prison population by over one-third; that is, from over 3 000 a year ago to about 2 000 or 2 100 today. It is quite a dramatic turnabout.

Finally, most pleasing to me has been a 17.76 per cent reduction in the number of indigenous prisoners. The Aboriginal citizens in this State are chronically imprisoned. The number has dropped from a high of 1 075 prisoners in March 2001 to 884 in March 2002. I am very pleased that the number of Aboriginal people locked up in our jails is falling dramatically.

[12.20 pm]

The CHAIRMAN: Members, I am conscious of the fact that we have about 40 minutes to go. Questions and answers should be kept fairly short and to the point.

Mr McGINTY: I am sorry about that answer.

The CHAIRMAN: I am not particularly having a go at the minister, but a large number of questions are still to come, so I am trying to balance that.

Dr CONSTABLE: My question relates to page 510 and to the information provided in the table, plus the first dot point, which relates partly to the answer the minister has just given. If we could have some forward estimates, what is the minister's goal for the average muster in 2005? I imagine that one of the reasons for the decline in the total muster that the minister has predicted will be as a result of the Government's policies and legislation relating to people who are currently in prison for up to six months. Is that correct?

Mr McGINTY: Yes.

Dr CONSTABLE: Could the minister give us a breakdown of the sub-population? What crimes have those people committed, besides fine default and the crimes that the minister mentioned, such as driving without a licence? What other crimes have they committed for which they have been imprisoned for up to six months?

Mr McGINTY: The current Department of Justice estimate of the prison population in 2005-06 is 2 917. That is less than it was last year.

Dr CONSTABLE: However, it is more than the target for this coming year, which is 2 700.

Mr McGINTY: Yes.

Dr CONSTABLE: The plot thickens.

Mr McGINTY: The history of imprisonment is one of ever-rising rates of imprisonment. I want to have a reduction strategy - it is already working - and to then look at other ways to divert people. I want to have an



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adult diversionary program to make sure that people at the minor end of the scale can be kept out of the prison system. Written into the projections that I have just mentioned is the fact that the prison population will start to rise again. It is a question of the base from which it rises. If we kept it at the base of 12 to 18 months ago when it was over 3 000, it would be 3 800 by 2005-06 if we kept on that trajectory. I will make another point about people who get sentences of six months or less. Fifty-eight per cent are Aboriginal people.

Dr CONSTABLE: I want to know the crimes.

Mr McGINTY: Yes, I am coming to that. However, I was going to make the point that a lot of people are in Broome Regional Prison, for example, because they are alcoholics and they committed crimes while they were under the influence of alcohol. Many of those crimes would never have been committed unless someone was under the influence of alcohol. Some of those short sentences are for antisocial behaviour and for crimes of violence committed in that context as well. Forty-eight per cent or nearly half of those people are serving sentences for which the most serious offences were traffic or good order-related offences. The member can see the general nature of the offences that emerge. Another interesting point is that although a quarter of the State's population comes from the country, 46 per cent or nearly half of the short sentences were for people in the country areas. Therefore, it reflects disproportionately among Aboriginal offenders. I do not have with me now a comprehensive list of everyone who has been sentenced and for what reason. I just have a note that the most serious offences were traffic-related - driving without a licence and things of that nature - and good order-related offences, which by and large are categorised at the lower end of the scale.

Dr CONSTABLE: In that sub-population that is in prison for six months, is the minister able to give us the number of people who commit crimes in which there is a victim?

Mr McGINTY: I will happily provide that by way of supplementary information, if we are capable of getting it, because it is an important issue.

Dr CONSTABLE: It is a very important issue in the community, because there is a sense that jails will be emptied and law-abiding members of the community will be put at risk in some way. Therefore, a breakdown of that sub-population, and as much information as the minister has about that, would be very useful as supplementary information.

Mr McGINTY: The most recent information I have is that, on a particular day, 164 prisoners were serving sentences for which the head sentence was six months or less. It is not as though prisons will be emptied on that account.

Dr CONSTABLE: I am talking about a perception in the community.

Mr McGINTY: Sure; and I want to do a little to allay that perception. People should be aware that those 164 people were in prison. Some of those prisoners, particularly when the crime involved an act of violence, should in the future be sentenced to a little more than six months to ensure that they still spend their time in prison. The most significant proportion of them will be sentenced to some form of punishment other than imprisonment. However, I am happy to provide by way of supplementary information a breakdown of the offences of all people who are in prison as at today's date, or as near as possible to it, and who are serving sentences of less than six months, and the nature of the offences. Does that cover the member's query?

Dr CONSTABLE: Yes, it does. To save time now, I also ask for supplementary information on the alternative sanctions outside of prison, and the costs of them.

Mr McGINTY: I can give that now.

Dr CONSTABLE: No, I think supplementary information will be fine, because other members have questions to ask.

Mr McGINTY: I would rather do it now.

The CHAIRMAN: For the record, I must ask the minister to agree to provide that supplementary information.

Mr McGINTY: Yes.

*[Supplementary Information No B21]*

Mr McGINTY: With the Chairman's indulgence, I say to the member for Churchlands that not all those 160-odd people will escape imprisonment in the future. Some will be sentenced to longer terms because the nature of their offending requires a term of imprisonment. Fewer than that number of people will in the future be punished in the community. The difference is that the current accepted daily cost of keeping a person in prison is \$176, whereas the cost of punishing that same person in the community is \$12 a day. That is the cost differential involved. We have recently contacted a number of community organisations to look for work

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projects on which community programs for offenders could be based, such as weeding the grounds of Fremantle Prison, cleaning old people's homes and things of that nature. There is a raft of environmental, heritage and community-based projects whereby people clean graffiti off walls and so on. From memory, just under 100 people expressed an interest in taking on prisoners to do that work for the community.

Dr CONSTABLE: Does the minister see curfews as part of that punishment outside of prison?

Mr McGINTY: Yes, there is a capacity to include curfews in community-based orders.

Mr O'GORMAN: I refer to the first dot point on page 495, which refers to the management of women offenders and, in particular, bringing equality of service to women. That dot point further states that a review of women's needs in prisons and an international environmental scan on best practice will drive the planning for a new low security women's prison. Will the minister advise on the progress of that at the moment and how far advanced the planning is?

[12.30 pm]

Mr McGINTY: I thank the member for the question. This is one of the more exciting things that is happening in the Department of Justice at the moment. Traditionally, we have taken the view that women prisoners are a small proportion of the prison population - four per cent of the prison population have been women - therefore a small men's prison would be built to house them, with no appreciation of the fact that we are dealing with people who are different and whose offending and needs are completely different. If the objective of a term of imprisonment is that people will not re-offend, which is always the only objective of a prison system, apart from punishing and the like, and if that is the measure by which the success of the prison system is judged, our current prison system is a failure. We have the highest rate of recidivism - that is, people returning to prison within two years of their release - in Australia. Currently the rate of recidivism in Western Australia is 45 per cent, and for indigenous people it is 55 per cent. We have an enormous failure rate, with people who are released from prison frequently reoffending and being readmitted into the prison process. I am keen to see the best women's prison in the world established in Western Australia. Last year we visited a number of prisons and saw innovative, new approaches to dealing with women prisoners, which appeared to be very successful in reducing the rate of reoffending. I refer particularly to the Canadian model for women's imprisonment. It starts with the philosophy of what we want to achieve with the prison. That philosophy then guides the construction brief and the construction of the facility in that it will not look like a prison in the sense that we would traditionally understand with a central cell block. The philosophy then guides the management regime of the prison. This is all designed to create a situation approximating, as closely as possible, a normal life for women offenders. Instead of consisting of a central cell block, the prison will be constructed like a suburban street and people will live in houses. It is no more expensive than the traditional way of doing things, but it is likely to halve the recidivism rate among women offenders in Western Australia. That is our hope and objective.

Construction of the new low-security women's prison will commence at the beginning of next year. We hope that, for the first time, by changing the way in which women are treated when they are in prison, we will be able to achieve a reduction in the rate of reoffending. Provision will be made for the particular needs of women. Women in prison display a very interesting demographic; it is quite different from either that of the broader community or the experience with men. Most of the women have been abused, physically, sexually and emotionally, prior to their entry into prison; a very significant number are mothers responsible for the care of their children, and many retain that care and responsibility while they are in prison; most are relatively uneducated, with a very high proportion not making it to year 10 at school; and there is a range of other indicators for employment and the like for the most disadvantaged group in the community among women prisoners. We need to construct a prison that takes all of that into account, and that facilitates links with the women's families on the outside, as well as links with the community and employment. In the new women's prison in Western Australia, which hopefully will be operating by the end of next year, we will see something that is dramatically different from what we have seen in the past. If we manage to get the best women's prison in the world - and that is certainly what we are aiming at - it will contribute significantly to reducing the rates of reoffending among women in Western Australia.

Ms SUE WALKER: I refer to page 495 and the serious drug problem in prisons. I have received comments today from staff at Casuarina Prison about the sniffer dog that comes once a week, if they are lucky, for 26 prison visits. Why is the minister not calling for an immediate implementation of sniffer dogs at the gatehouse of each prison? According to prison officers, if visitors who have drugs come to the prison and see the dog, they walk away. The minister could implement tomorrow that immediate impediment to keep drugs out of prisons. Why is the minister not implementing the introduction of sniffer dogs, particularly in the light of his previous role as a member of the Select Committee Into the Misuse of Drugs Act 1979 which recommended that type of

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barrier control against bringing drugs into prisons? The Western Australian public is entitled to expect the minister to take immediate steps on this issue.

Mr McGINTY: Sniffer dogs are used extensively throughout the prison system in Western Australia. It needs to be done on a random basis in order to catch people rather than having a once-a-week appearance where people know and can circumvent the inspection. We need to ensure, given the effectiveness of the sniffer dogs in dealing with these matters, that we continue to use them and expand their operation, which is what we have been doing.

Ms SUE WALKER: Why is the minister not putting dogs at every prison all day, every day and keeping them there to ensure that no drugs get in? I am not talking about random checks. Why is this not being done every day to satisfy the people of Western Australia that the minister is taking steps to clear drugs out of our jails? The minister could be redirecting funds and doing this now. It could be put in place tomorrow. Why is he not doing it?

Mr McGINTY: We can deal with this problem in a variety of ways. It is very foolish to think that there is one silver bullet or one universal panacea that will fix this problem. The member for Nedlands has suggested putting all our eggs in one basket. There are more effective ways of making sure that we take up the fight against drugs coming into prisons. If we tried one measure, people in their ingenious ways would find means to circumvent that. We must fight this on all fronts, and included in this is the use of sniffer dogs, which have proved to be very effective. We must try other measures as well. Sniffer dogs are used in prisons, not just in respect of visitors, and are achieving very good results.

Ms QUIRK: I refer the Attorney General to the third dot point on page 496. Has there been any improvement in standards for training justices of the peace, and has there been any change in the arrangements for assessing the appropriateness of appointments in the first place?

Mr McGINTY: One of the changes I have implemented, which will be welcomed by justices of the peace generally, is to require that in future people undergo the JP training course before they are given their commissions. In the past, people were appointed by the Attorney General or the Governor - it might have been by the Governor on the recommendation of the Attorney General - to be justices of the peace for Western Australia. They could then start exercising the powers of a justice of the peace, regardless of whether they had undertaken the training course. They were still required to do it, but that change in procedure has been welcomed by people associated with the Royal Association of Justices of Western Australia. There will always be concern about certain people being justices of the peace, particularly if they have a prior record or if, once they become JPs, they commit criminal offences. The practice is to write to those people, requesting them to resign, and I have done that on a number of occasions over the past 12 months when justices of the peace have been caught and convicted of criminal offences. We try to screen people at the appointment stage if they have had previous criminal involvement, and a number of people have been rejected after they have been nominated for appointment as justices of the peace. If the prior offence is minor and a number of years have elapsed since it was committed, we tend to place less weight on it, but, for the integrity of the justice of the peace system, this is an area where we must maintain a high measure of rigour.

Ms QUIRK: Have any steps been implemented to check probity and the information provided by applicants for positions of magistrates or judges, such as checks of age and so forth?

[12.40 pm]

Mr McGINTY: Everyone associated with the administration of justice, and particularly the judiciary is embarrassed by the events surrounding former magistrate Deborah Bennett-Borlase. As members would be aware, she falsely stated her age at the time of her appointment as a stipendiary magistrate. In the most recent advertisement for a stipendiary magistrate to replace her, a condition was inserted requiring applicants to produce evidence of their age. I understand that appropriate checks are being done to make sure the same thing does not happen again in the future. For the sake of the integrity of the judiciary, that is a very wise thing to do.

Mr BARRON-SULLIVAN: I refer to output 7 - adult offenders managed. From time to time, as the minister mentioned earlier on, there are instances of prison officers being involved in drug smuggling in prison and being detected. I accept that it does not happen all that often. The minister said earlier that the bulk of the drugs gets into prisons through contact visits. This may be a very quick question, with a quick answer. Has there been a problem at Acacia Prison recently, and have any prison officers been dismissed, transferred or taken off duty at that prison in recent times? If so, what was the reason for the action?

Mr McGINTY: I receive monthly reports on Acacia. Because it is a new prison, and has been filling up, obviously a certain amount of leeway is allowed in the way in which it operates. By and large, the reports on Acacia have been favourable, unlike the other Australian Integration Management Services Corporation Pty Ltd

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contracts for court security and prisoner transport. There are, however, a number of concerns about Acacia, one of which is in the area mentioned by the member for Mitchell. The incidence of people testing positive for drugs at Acacia Prison is unacceptably high. This is being appropriately investigated, but at this stage, to the best of my knowledge, no-one has been charged for any matters relating to drugs coming into the prison.

Mr BARRON-SULLIVAN: Have any officers been stood down in recent time?

Mr McGINTY: Not to the best of my knowledge. If it has occurred, I am unaware of it.

Mr O'GORMAN: I refer the minister to page 502, where major achievements for 2001-02 are listed. The seventh dot point relates to the success of the Family Violence Court at Joondalup. I took note of the comments of the minister earlier on the profile of women prisoners as being victims of abuse of some sort. The dot point refers to the project as a springboard for the introduction of this best practice into other courts around the State. When is that likely to take effect?

Mr McGINTY: I am impressed with the two specialist courts established by the previous Government - the Drug Court and the Family Violence Court. They provide a much-needed specialist service in dealing with the problems associated with drugs and domestic violence, and the way in which that spills over into the criminal justice area. I was very disappointed when the Police Service took unilateral action, having been part of the celebrations for the announcement of the continuation of the court and its extension into other areas, of withdrawing its services to a significant degree a week later. The Commissioner of Police probably felt very foolish, having been in the courtroom for the celebration, when one of his senior officers then took the action, possibly without the commissioner's knowledge, to halve police involvement in that project. I was disappointed that that action was taken, but there was an operational independence issue, where the police took action at odds with what the Government would have preferred. I was disappointed that that approach was taken, and it was not called for. Notwithstanding that, I will call Mr Alan Piper, the Director General of the Department of Justice, to discuss the extension of the Joondalup family violence project into other courts in Western Australia.

Mr PIPER: Therapeutic courts, like the Drug Court and the Family Violence Court, are a relatively new concept for courts in general. The concept requires the pulling together of, in this case, police and other professionals to achieve a consistent application of principles. Joondalup, quite rightly, was set up as a pilot. We really did not know where it would go. It was resourced well to achieve that result, which was highly commendable. The simple fact is that family violence issues do not occur in one location. What we were trying to achieve at Joondalup was to get working together people from the Department for Community Development, the Police Service, the courts and our community justice services, to explore what was required to establish a case management approach to these cases. From here, rather than necessarily set up a string of therapeutic courts targeted at family violence, we would like to carry those principles into the way in which courts work with issues like restraining orders, and move next into the areas of the court system where there is a reasonably high demand for those services, and learn from what was done at Joondalup. That is what is meant in the dot point referred to by the member. As the member will be aware, the evaluation has only recently been completed. At the moment we are resetting the Family Violence Court at Joondalup, including making permanent the staff involved in it. When that establishment is complete, that team will assist to establish protocols and procedures that will be used in the rest of the State. We are looking forward to this development. It is needed, and is a very important area of focus.

Ms SUE WALKER: I refer the minister to page 511, and the recruitment of community correction staff. I presume that includes prison officers. I would like the minister to talk about sacking, or not renewing the contracts of prison officers. I believe he had a meeting in his office yesterday about the sacking of 59 prison officers, which will occur shortly. I questioned him about that in Parliament recently. Given that new DNA legislation is coming through, and as a result prison numbers will increase, why is the minister approving the sacking of those prison officers?

Mr McGINTY: The simple answer to that is that we are not.

Ms SUE WALKER: The prison officers tell me they are concerned that there will be less direct supervision of the prisoners, and they will be put further at risk because of the depletion in the number of prison officers. Can the minister reassure me that prisoners and the management of the prison will not be put at risk because of the serious decrease in the number of prison officers in the system?

Mr McGINTY: Yes.

Mr DEAN: I refer to page 525, and the capital works program. I note, under completed works, an expenditure of \$4.6 million plus \$850 000 on Rangeview. Can the minister list any benefits of the investment of that sort of money in the Rangeview remand centre?

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[12.50 pm]

Mr PIPER: Rangeview Remand Centre has two characteristics. One is that it has a very high turnover of short-term remand prisoners for which the system is trying to find a responsible adult to manage. It also has some relatively long-stay juveniles on remand who, for various reasons, are held in custody. The new centre enables its capacity to operate in those two modes more effectively. Money was put into a new unit at the back of the Rangeview Remand Centre site. It is used as a long-stay unit and will enable greater case management and planning and better separation of short-term and long-term remand prisoners. We have also taken the opportunity to provide an increased range of educational and vocational options for young prisoners. A video room allows prisoners to have video visits and interaction with Banksia Hill Detention Centre and the courts through a video link. It is a timely and well-managed upgrade of the centre. It is well thought through and will be well used.

Mr BARRON-SULLIVAN: The committee discussed illicit drugs in prisons; in particular, cannabis and heroin. What about benzodiazepine? To some extent, drugs like that are handed out in prisons. How does the ministry manage this situation? On the one hand, the ministry provides antidepressants to prisoners but, on the other hand, it has to manage drug abuse in prisons. Can that be explained? In particular, what quantities of these drugs are handed out in the State's prisons?

Mr McGINTY: If possible, I will provide details through supplementary information.

Mr BARRON-SULLIVAN: I did not think the minister would be able to give me details now. I am happy to accept supplementary information.

Mr McGINTY: Does the member want only information about benzodiazepine?

Mr BARRON-SULLIVAN: I am interested in drugs that are provided, especially at Casuarina Prison and Woorloo Prison Farm.

Mr McGINTY: I will undertake to provide information on medication prescribed to prisoners in key prisons.

Mr BARRON-SULLIVAN: I also require information about the management of the distribution of these drugs in order to prevent abuse.

Mr McGINTY: I can provide that information now.

*[Supplementary Information No B22]*

Mr PIPER: As one would expect, "attractive" drugs used for therapeutic purposes are controlled through medical supervision. No prisoner is allowed prescription medication unless he has a prescription and the medication is controlled by a doctor. Most medication is dispensed by medical staff; however, medication like Panadol is not. Attractive medication is controlled by medical staff. All highly attractive drugs are administered in liquid form orally so that they cannot be stored or hidden. It is a difficult situation as a balance must be struck. A high percentage of people in prison suffer from either mental illness or various levels of emotional disturbance such as depression. In order to care for them adequately, they need to be provided with appropriate therapeutic and pharmacological support. They cannot be denied support if they need it. Drugs are dispensed and managed through the health system. Approximately 18 months ago, a prescription management system was implemented in prison health, which computerised the tracking of all dispensed prescription medicines. We have taken steps to ensure that that is under control.

Mr BARRON-SULLIVAN: I am interested in the proportion of prisoners who are on attractive drugs such as Valium compared with the general population. Mr Piper said that it could be expected that the prison population would have a higher overall usage rate. That leads to my next question. When someone enters the prison environment, is he assessed to see whether he has previously used such drugs? What percentage of people entering prisons are using attractive drugs? Once in a prison environment, what percentage of inmates use these drugs? Does the percentage go up?

Mr McGINTY: We have recently completed a study of women prisoners dealing with those sorts of questions. It indicates an incredibly high use of medication by women prisoners. The information is quite current; it was compiled late last year. It indicates that 61 per cent of women prisoners reported a previous diagnosis of physical health issues and 51 per cent reported a previous diagnosis of mental health issues. That is, half the number of women in prison have previously had a mental health problem. About 15 per cent reported a previous admission to a mental health institution. That is a very high figure. Almost 52 per cent reported serious thought of, or attempt at, suicide prior to imprisonment. That is a very high figure. The study also produced figures of the number of women prisoners who were using antidepressants and serious medication to treat their mental health conditions. My recollection is that the figures were very high.

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I will extrapolate those figures to the general drug problem in prisons: 66 per cent of adults admitted to prison have a substance abuse problem; 79 per cent of offenders managed on community orders tested positive to illicit drugs at the time of their arrest; 67 per cent of inmates reported being under the influence of a drug at the time of their most serious offence; and 66 per cent believed there was a relationship between their drug use and subsequent imprisonment. There is an incredibly high correlation between drug abuse, offending behaviour and imprisonment.

Mr BARRON-SULLIVAN: As part of an overall management program for drug use in prisons - prescribed drugs, illicit drugs and so on - is there a need for a greater emphasis on mandatory detoxification and rehabilitation, particularly with attractive drugs and drugs that are not prescribed? I am not talking about what the ministry does at Wooroloo Prison Farm.

Mr McGINTY: That is essentially what the system mandates. Assuming that a prison has no illicit drugs, if a prisoner is admitted who has a serious addiction, he is required to abstain completely from drug use. The problem is that drugs find their way into prisons. We are trying to deal with that. There is a very interesting recent study into hepatitis C in prisons. The major form of transmission is through blood, especially that associated with intravenous drug use. I do not know whether the study has been published. It is a very interesting report on a most difficult question. Most interestingly, it shows amazingly high rates of hepatitis C among women in prison. The rate of hepatitis C infection among women prisoners is nearly double that of men. While any exposure to blood can bring about infection, the most serious means is through intravenous drug use.

*Sitting suspended from 1.02 to 2.00 pm*

Ms SUE WALKER: On page 499 of the *Budget Statements* reference is made to key effectiveness indicators for the Parole Board. I understand the minister is undertaking a review of the Parole Board, which has not been publicised and which concerns the independence of the Parole Board. What are the terms of reference of the review, who is conducting the review and what are the qualifications of that person? Does the minister intend to devolve his powers under the Sentence Administration Act in which he can veto the parole recommendations for life-term prisoners, such as Catherine and David Birnie, and people serving indeterminate sentences?

Mr McGINTY: The review of the Parole Board and I think also the Mentally Impaired Defendants Review Board is being undertaken not for the purpose of creating a greater measure of independence for those boards, but to look at a range of issues relating to the effectiveness of, particularly, the Parole Board and ways in which that effectiveness can be enhanced. It arose from a discussion I had with Terry Walsh, QC, the Chairman of the Parole Board, during which he made that request. I was happy to accommodate that point of view. The terms of reference relate to the issue of effectiveness and not specifically to independence. It is being conducted by Mr Peter Frizzel, who is employed in the Department of the Premier and Cabinet and was previously an executive director in the Department of Education. One of the major projects in which he is currently employed by the Department of the Premier and Cabinet is a review of independent agencies. We thought that he was an appropriate person to look at the issues facing the Parole Board. I do not intend to relinquish any powers.

Ms SUE WALKER: Does Mr Frizzel have any experience of the criminal justice system or the Parole Board?

Mr McGINTY: I do not think so.

Ms QUIRK: I refer the minister to output 5 on page 505, administration of victim support and counselling services. I recall that last year the minister indicated that he would establish a victim notification register. What stage is that at?

Mr McGINTY: I am pleased to talk about the victim notification register, which commenced in October last year. To date, 208 victims have registered with the service, and they have an ongoing interest in the progress of the sentence of 224 offenders. As the member will be aware, not every victim of crime wants to follow the career of the person who offended against him, although generally speaking, particularly with some of the more serious offences, there is an ongoing interest and desire for input at various stages of the offender's progress through the prison system, in particular. I have had some personal involvement with cases at the very serious end of the scale, and victims have met with me to discuss matters such as the circumstances of a major offender's release on parole, ways in which the department can provide assistance to offenders and other conditions that they would like placed on an offender's release. One of the benefits to those people who have registered with the victim notification registry is that they have direct input into controlling issues that might affect them as a result of the way in which an offender is treated within the prison and justice system. In some cases we have been able to offer assistance in a very concrete way to people, so that they are able to handle the release of a person who offended against them and their future lives can be on a better footing.

[2.10 pm]

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Mr O'GORMAN: I refer to major initiatives for 2002-03 on page 511 of the *Budget Statements*. The second last dot point states that one of those initiatives is to improve diversion systems to further reduce the number of offenders in the justice system. Can the minister give us an indication of what those diversion systems might be?

Mr CARTER: The Department of Justice and the Police Service will be involved in the proposed approach to diversion. The two significant matters we are considering are adult cautioning and adult conferencing. A working party is currently examining adult cautioning. We believe that legislation is needed to support it. Adult conferencing is based on the success of the juvenile justice teams. The high satisfaction rates of victims through the juvenile justice process has given us confidence that there is room to explore this method as an option for adults. Again, the Department of Justice and the Police Service would need to be involved in a working party because it would require a combined approach. In essence, it would result in less serious matters being identified early and being referred to a team that would develop an action plan around managing the offender, as we do with juveniles. Community corrections officers could supervise an action plan that would give some form of reparation to the victim or to the community as the case may be.

Dr CONSTABLE: Pages 511 and 512 of the *Budget Statements* refer to juvenile offenders and their management. My questions are similar to those I asked about adult offenders. I notice with some alarm that the rate at which juveniles return to detention is over 53 per cent. What percentage of the total cost of the output is spent on rehabilitating young offenders? I would like the Attorney General to provide a breakdown in dollar terms and also of full-time equivalents of the rehabilitation programs for substance abuse, violence and sex offences, and the educational programs offered in detention centres. I would like to know the percentage of young offenders who are illiterate or semi-literate. What follow-up support is provided to them when they leave detention centres?

Mr McGINTY: I undertake to provide supplementary information on rehabilitation programs involving substance abuse, violence, sexual offending and education, both the number of dollars and full-time equivalents in the juvenile justice system, and the number of young offenders who are illiterate or have literacy problems that require remedial action. Is the member referring to juveniles in institutions or in the community?

Dr CONSTABLE: I am talking about offenders in institutions. What percentage of those people would benefit from participating in either rehabilitation or remedial literacy programs?

Mr McGINTY: In summary, the member refers to those people in the Rangeview Remand Centre or Banksia Hill Juvenile Detention Centre; in other words, juveniles in institutions.

Dr CONSTABLE: Could the Attorney General also provide a breakdown of the crimes committed by re-offenders? The Attorney General might have that information now. I want to know the types of crimes that re-offenders commit for which they are re-admitted into detention centres.

Mr McGINTY: By way of supplementary information, I will provide information for those juvenile offenders who re-offend and are re-admitted into juvenile facilities and the nature of the crimes for which they are convicted. It would help if we had information as to when they were initially in detention and when they were re-sentenced. I will be interested to see that information as well.

[*Supplementary Information No B23*]

Mr BARRON-SULLIVAN: Earlier, we spoke about the amount of drug testing conducted in prison hospitals. Will the Attorney General explain what happens when a prisoner is caught using illicit drugs in a prison and give a brief description of the disciplinary process. When prisoners are caught using drugs and they are subsequently disciplined, are 100 per cent of those prisoners properly and thoroughly disciplined in accordance with the internal provisions? I ask the Attorney General to provide a breakdown of how discipline is handled in those cases and the numbers of prisoners who are disciplined for illicit drug use. Does that cover 100 per cent of incidents?

Mr SIMPSON: In every case when prisoners are caught using illicit drugs either through results of urinalysis testing or drugs have been found in their possession, they are charged with a prison offence under the Prisons Act. A visiting justice or, in some prisons, a JP hears the cases of prisoners caught using illicit drugs. A visiting magistrate hears a prison offence in the main metropolitan prisons. There are no exceptions to the policy of charging prisoners in that situation with disciplinary offences. That may also result in a review of their classification levels so that, in addition to whatever penalty is applied as a result of the disciplinary charge by the visiting justice, if they have a low security classification, they would also be subject to a security upgrade. Those prisoners who are subject to parole provisions would also have that taken into account when they became eligible for parole. I do not have information about the number of prisoners charged with drug offences. I will take that question on notice.

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Mr BARRON-SULLIVAN: By way of supplementary information, I ask the Attorney General to provide the number of prisoners who are charged as a result of drug offences, the categories of those offences and the penalties that apply. I do not need figures for all prisons. The Attorney General could use Casuarina Prison as an example because I have referred to it throughout the Estimates Committee.

Mr McGINTY: We are happy to provide that supplementary information.

[*Supplementary Information No B24*]

Mr BARRON-SULLIVAN: If the State's cannabis laws are changed, will the penalties regarding the use of cannabis in accordance with the Prisons Act be amended in any way?

[2.20 pm]

Mr McGINTY: It will remain an illegal substance, so I do not see why we would need to amend the provisions of the Prisons Act 1981 that deal with the possession of an illegal substance. The possession of some legal substances, such as alcohol, are still treated as a disciplinary offence in prison. Under the Government's proposed cannabis reform, cannabis will remain an illicit substance, and people who are found to be in possession of cannabis will be penalised in the same way as they are now.

Mr BARRON-SULLIVAN: Will penalties in prison change?

Mr McGINTY: I do not think so. That is not an issue I have not turned my mind to, because cannabis in prisons will remain illegal. I cannot think of any reason that penalties would change. That is the most honest answer I can provide.

Mr HILL: I refer to dot point three on page 506 of the *Budget Statements*. What is being done for indigenous victims of crime in regional areas?

Mr THOMPSON: The main strategy for indigenous victims of crime has been the production of a video titled "Taking the Stand". This video is targeted towards indigenous people who are involved in court proceedings. It was filmed in Broome using indigenous actors, and was made in consultation with the Aboriginal Legal Service and with many Aboriginal communities. The other initiative that is currently being progressed for victim support is the attempt to connect with as many Aboriginal agencies and communities as possible to determine how the support mechanisms offered by victim support can be adapted to meet indigenous needs.

Ms SUE WALKER: I refer to output 7 on page 509 of the *Budget Statements*. Are prisoners who are caught using drugs in prison dealt with under the Prisons Act? If so, why are they not dealt with under the Misuse of Drugs Act 1981?

Mr McGINTY: I am advised that the possession or consumption of alcohol and small amounts of cannabis is generally dealt with under the Prisons Act. If heroin is imported into the prison, charges are laid, generally speaking, under the Misuse of Drugs Act. If a significant amount of illicit drugs were imported, that matter would also be dealt with under the Misuse of Drugs Act.

Ms SUE WALKER: By way of supplementary information, I would like a breakdown of the number of offences that have been prosecuted under the Prisons Act in the past 12 months that have related to the possession of cannabis or other drugs. Has any other method been used to deal with a prisoner who has been in possession of drugs? Will the Attorney General explain why prisoners are not dealt with under the Misuse of Drugs Act, because in this way they are dealt with differently from other Western Australian citizens?

Mr McGINTY: I am trying to determine how the member for Nedlands's question is different from the one just asked by the member for Mitchell.

The CHAIRMAN: Member for Nedlands, perhaps you could pose the first question again so that the Attorney General can answer it. I will then give you an opportunity to ask further questions.

Ms SUE WALKER: I would like a breakdown of the number of prisoners who have been convicted for the possession of cannabis or any other drugs under the Misuse of Drugs Act or under the Prisons Act in the past 12 months. I want to know why prisoners who have been found to possess drugs are treated differently from other Western Australians who have also been found to be in possession. From what I can recall of the Prisons Act, a six-month imprisonment term is imposed for this offence. Will this be changed as a result of the abolition of six-month imprisonment terms?

Mr McGINTY: The bulk of the supplementary information sought by the member for Nedlands is identical to that requested by the member for Mitchell. Therefore, it may be necessary to merge the two together. As I understood the member's question, she wants a breakdown of the illicit drug use offences for which a prisoner



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has been convicted, and whether such offences were dealt with under the Misuse of Drugs Act or the Prisons Act. It might be possible to merge the two given that there is an enormous overlap. The decision whether a charge is laid under the Misuse of Drugs Act is the responsibility of the police.

Ms SUE WALKER: From what the Attorney General has stated, a prison officer can refer a matter to the police, who then make the decision whether to lay charges. How many cases are brought to the attention of the police? How many prisoners are found to be in possession of drugs by prison officers, and how many are prosecuted?

Mr McGINTY: Does the member mean prison officers?

Ms SUE WALKER: How many prisoners are found by prison officers to be in possession of drugs? I presume that it is the prison officers who locate the drugs and contact the police to inform them that a prisoner has committed an offence. The police then make the decision whether to prosecute. How many such matters proceed to court? Obviously, there must be a record of how many prisoners have been found to be in possession of drugs.

Mr McGINTY: I will try to crystallise the issue. The member for Nedlands wants to know the number of prisoners who have been caught with illicit drugs. The vast bulk of prisoners who have drug charges laid against them are charged because of a dirty urinalysis, and that is not an offence in the community, because it is not possession. However, it is obviously evidence of illicit consumption. I want to know what the member wants to know. Does she want to know about possession only?

[2.30 pm]

Ms SUE WALKER: Yes.

Mr McGINTY: I will formulate the material to be provided by way of supplementary information by providing the number of prisoners who were charged with possession in the past 12 months -

Ms SUE WALKER: No. First, I would like the number of prisoners who were found in possession of drugs. There must be a record in the prison. Secondly, how many of those prisoners were charged, under what Act, whether it was the Misuse of Drugs Act or the Prisons Act, and for what type of drug?

Mr McGINTY: I am happy for that material to be provided by way of supplementary information, if that is the information that the member for Nedlands requires. It has been articulated in a couple of different ways. I now know exactly what is required from the way in which she has just articulated it.

*[Supplementary Information No B25]*

The CHAIRMAN: Members, in this committee there is no such thing as a supplementary question. Members should use the expression "a further question" or something similar. That will stop the problem that arises with providing supplementary information.

Dr CONSTABLE: The minister is aware that I have a particular interest in the Francis Burt Law Education Centre. Is there a budget allocation for the coming year to support the centre and what is it? What does the minister expect that allocation to be used for? How does that compare with the current financial year?

Mr McGINTY: I am a great fan, as is the member for Churchlands, of the Francis Burt Law Education Centre and its operations as they were in Fremantle and as they are in Perth. I was particularly disappointed when we were unable to secure its ongoing accommodation. The previous Government effectively evicted the Fremantle centre from the house on the outskirts of the prison. I was particularly disappointed when the Department of Housing and Works, which is responsible for the administration of Fremantle Prison, moved its administration back into the building that was once occupied by the Francis Burt Law Education Centre. That was an unbelievably insensitive and inappropriate thing to do.

Dr CONSTABLE: I share the minister's disappointment.

Mr McGINTY: I wrote in very strong terms to the minister to voice my disapproval at evicting from those premises a very worthwhile community-based group involved in legal education and then moving in the bureaucrats to occupy the same premises. As the member knows, the Francis Burt Law Education Centre belongs to the Law Society of WA. We do not have a budgetary allocation to provide support to the centre as such, although we do support its endeavours. If it were necessary to provide some accommodation or some other form of support or assistance, I would be only too pleased to do so if it were within my capacity. Unfortunately, Fremantle Prison is not as it was a decade ago when the Francis Burt Law Education Centre was created and it is not within my ministerial responsibility. The member and I share a regret about what has happened. I am happy to look at providing whatever support I can to that very worthwhile organisation.

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However, there is no provision in the budget directly for the centre. That does not in any way indicate that if a proposition arose, we would not seek to accommodate it.

Ms QUIRK: The mission statement on page 495 states -

*To provide quality, coordinated and accessible justice services which contribute to a safe and orderly community.*

My question relates to the integrity of the justice system, and in particular to the legal profession. In the past 12 months, there have been a number of instances in which people's confidence in the legal profession has been undermined. What steps are being taken to reinstate that public confidence in the integrity of the legal profession and the system that monitors it?

Mr McGINTY: The three issues that brought a lot of public attention to bear on the legal profession, particularly during the past six months were the bogus lawyer, Levy, the magistrate who stayed on beyond her retirement age, Bennett-Borlase, and the articulated clerk, Skerrett. In each case, significant issues were raised about the integrity of people in the legal profession. I have expressed my disappointment at the response of the Law Society of WA about Levy that it is up to the individuals who want to use legal services to check that the person who holds himself up as a lawyer is in fact a lawyer. The legal profession has doubled in size in Western Australia in the past 10 years. It has gone beyond the cosy club stage that it might have been 50 years ago when everyone knew everyone and whether someone was a lawyer if he hung up a shingle. I have spoken with the Chairman of the Legal Practice Board, Steven Penglis, and Mary-Anne Paton. I have also raised the matter with the Solicitor General. It is our intention to bring into the Parliament in the second half of this year a legal profession omnibus Bill, which, in addition to dealing with a raft of matters affecting the legal profession, including its ability to incorporate multidisciplinary practices and the like, will deal with disciplinary matters by expanding the powers of the Legal Practice Board and, if need be, the tribunal to better regulate and control those in the profession and to say no to or punish people who have misbehaved.

On page 5 of the May 2002 edition of *Brief*, the Executive Director of the Law Society of WA said -

Almost every working day of the year the Society answers questions from the public about whether a lawyer is a member of the Society and certificated to practise. They are encouraged to also check with the Legal Practice Board. Like the Society, the Legal Practice Board takes enquiries like this every day and the General Manager and Secretary of the Board has asked me to advise the profession that the Board welcomes these enquiries from you.

That indicates the extent of concern and interest in this area and the need to beef up, as we will do, the disciplinary powers of the matters affecting lawyers and the Legal Practice Board in Western Australia. I hope that legislation will come before the Parliament when we return from the winter adjournment.

Mr BARRON-SULLIVAN: Earlier the minister mentioned the prevalence of blood-borne viruses and so on. A survey carried out at the former Canning Vale Prison in 1997 indicated that it had a 35 per cent incidence of BBVs. First, can the minister provide, by way of supplementary information if possible, the latest indications of the incidence of blood-borne viruses, HIV, hepatitis and so on in our prisons? I presume it is information that is readily available. Secondly, what is the current policy for the availability of needles in our prisons? I understand that prison officers might have a balancing task. Is there any internal needle exchange arrangement or anything like that? The third issue, which we touched on earlier but for which I would like an emphatic yes or no, is whether there is any chance this Government will introduce compulsory testing on entry to prison to determine whether people have a current drug dependency.

Mr McGINTY: I undertake to provide to the member by way of supplementary information a copy of the report on hepatitis C in prisons. I am not sure of its public status, but I was given a copy of the report. I met with the people responsible for producing the report and we discussed it. It is quite interesting and gives probably the best available insight into the incidence of hepatitis C in prisons. Would the Deputy Leader of the Opposition find that helpful?

[2.40 pm]

Mr BARRON-SULLIVAN: That would be helpful. Would that include HIV and so on?

Mr McGINTY: I was going to say that the reason I am offering that is that it is probably the best information available. Because testing is voluntary at the moment, we do not have reliable figures on the incidence of blood-borne diseases in prisons. I appreciate that that survey is most probably the best indicator; however, we cannot tell the Deputy Leader of the Opposition definitively how many people have different blood-borne diseases. Therefore, I cannot really advance that.

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Mr BARRON-SULLIVAN: I appreciate that. For my purposes, that will do. I do not want to put your officers to unnecessary work. That will be fine.

The CHAIRMAN: The minister said that he will provide the report on hepatitis C in prisons.

Mr McGINTY: Yes.

*[Supplementary Information No B26]*

Mr McGINTY: I will deal with the second and third questions asked by the Deputy Leader of the Opposition. My view is that a needle exchange arrangement or making needles available in prisons would be totally inappropriate. It is a difficult issue for this reason: needle exchange arrangements operate as harm minimisation measures in the broader community, but in the prisons they could represent a security threat. We are all aware of anecdotal evidence of the spread of blood-borne diseases via needle sharing in prisons. The absence of needles means that a needle is a precious commodity and is therefore shared. The consequence of that is that blood-borne diseases are also spread. I would not be prepared to allow a needle exchange program to be introduced in prisons in Western Australia, even on a harm reduction basis.

On the issue of preventive measures regarding blood-borne diseases, I point out that condoms were introduced in prisons about two, three or maybe even four years ago. Although there was an initial reaction, that has now settled down and they are a feature. I am not sure of the extent to which they are used in the prisons today. I do not see a security problem associated with that.

Although we do not condone or encourage it in any way, shape or form, there is a realistic recognition that prisoners inject themselves while they are in prison, often with makeshift devices. Although we will do everything we can to stamp out the presence of needles, one way in which to ensure that they are at least clean is to provide bleach through prison canteens as a means of stopping the spread of blood-borne diseases. Beyond that, I believe that to provide needles would be totally unacceptable.

The compulsory testing for blood-borne diseases is a vexed issue. I would much rather have reliable information on the health status of prisoners. However, I do not say that it is out of the question. We would need to work through that issue to ascertain what could be done. The current view of the Department of Justice is that, in health matters, prisoners should be treated as patients, and that to compulsorily require certain information to be provided - this is the historical view - is not the correct approach. It is not a view that I wholeheartedly endorse. Nonetheless, the long-term view of the Department of Justice is that it should remain voluntary.

Mr BARRON-SULLIVAN: You are the minister, though.

Mr McGINTY: Indeed. That does not mean that I necessarily get my way, unfortunately.

Mr BARRON-SULLIVAN: We know that needles are used in prisons, and the minister said earlier that bleach is made available to assist people who want to shoot up.

Mr McGINTY: Bleach is available through the canteens in prisons. It is provided for people who wish to acquire it. I think there is a limit of a certain number of days' supply - two days' supply or something of that nature - to make sure that -

Mr BARRON-SULLIVAN: There are not many other uses for bleach in a prison, apart from scrubbing the floors. If a person is not scrubbing the floors with it, he is probably doing something else that he should not be doing with it.

Mr McGINTY: Getting his shirts very white.

Mr BARRON-SULLIVAN: In effect, we are condoning heroin use in prisons.

Mr McGINTY: Not at all - not in any way, shape or form.

Mr BARRON-SULLIVAN: Why is bleach made available? In other words, we do not have a zero tolerance arrangement.

Mr McGINTY: I am receiving conflicting advice on the availability of bleach. My understanding was that it was made available. Some conflicting advice is coming forward on that. It might be on a limited basis only. I might need to provide the Deputy Leader of the Opposition with -

Mr BARRON-SULLIVAN: From my observations, the minister is getting advice from his political adviser that seems to be different from the advice from his departmental advisers.

Mr McGINTY: The Deputy Leader of the Opposition is not a very good observer if that is what he thinks.

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Mr BARRON-SULLIVAN: My eyes do not deceive me. The minister has just indicated that bleach is made available through the canteens. Would the minister confirm by way of supplementary information whether that is the case?

Mr McGINTY: I will undertake to do that, and I will forward information on the circumstances in which it is provided, if it is provided. Before we proceed, I am now in a position to advise what has occurred, so it will not be necessary to provide that supplementary information. The department has prepared a policy to provide bleach in prisons. That has come from the department. That policy has not yet been implemented so it has not yet been actioned, although it is intended that it be actioned by the department.

Mr BARRON-SULLIVAN: Will the minister agree to that policy?

Mr McGINTY: I do not imagine there is any reason that I should not agree to it as a harm reduction measure. However, it is not something that has formally come up for my signature. The point being made by the director general is nor would it necessarily. There is no need for that last information to be provided by way of supplementary information, because I have just explained the current status.

Ms SUE WALKER: I thank the member for Girrawheen for raising the victim notification register, because I could not see it in the papers. I refer to that question about the victim notification register to which the minister responded and to his announcement last year - I think it was during the budget debate. During the budget debate last year I raised with the minister the fact that he had written to Mr Threnoworth, who is the convenor of the Homicide Victims Support Group (WA), and thanked him for his service on the Victims Advisory Committee. The minister stated -

In reviewing this Committee, I note that it was primarily established to advise the previous attorney general on the rights and needs of victims pursuant to the *Victims of Crime Act 1994*.

By what process does the minister now ascertain the needs and rights of victims of crime, other than by going through those who are proceeding through the criminal justice system? Discounting that group that is going through -

Mr McGINTY: I am sorry, which group?

Ms SUE WALKER: Putting to one side the victims who are going through the criminal justice system, what process does the minister now use to ascertain the needs and rights of victims? Secondly, why is access to the victim notification register restricted to only one class of victim of crime - that is, the complainant - when there can be many victims of crime in relation to the offence? As supplementary information, how many people have taken up the minister's offer in relation to the register?

Mr McGINTY: In relation to registering? I am sorry, I gave that information a few minutes ago - 208.

Ms SUE WALKER: For what period is that?

Mr McGINTY: It was formed in October 2001; therefore, between October 2001 and now, 208 victims have been registered.

Ms SUE WALKER: Has an analysis been done of how many victims there are?

Mr McGINTY: I believe there would be tens of thousands of victims.

Ms SUE WALKER: There are only 3 000 prisoners in the system, and parole can be for only two years. Therefore, I am wondering how many people the minister thinks it would possibly affect, given that there is only ever one victim.

[2.50 pm]

Mr McGINTY: It is simply a matter of the victims, in their circumstances, deciding whether it is beneficial for them to register. A number of people want to put their past behind them and have nothing further to do with that unfortunate incident in their lives. That service is available to people who are the victims of crime. Certain rights flow from registration.

Ms SUE WALKER: Why is it restricted to complainants?

Mr McGINTY: If we are dealing with death, for instance, where there has been a murder or someone has passed away, it is extended to members of the immediate family of the deceased. It is not only the complainant, if I can put it that way; as indeed it could not be in the case of a murder.

Ms SUE WALKER: Do victims have to satisfy certain criteria, because that is not evident from the material coming from the Department of Justice?

Mr McGINTY: The Victims of Crime Act 1994 defines a victim to be -

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- (a) a person who has suffered injury, loss or damage as a direct result of an offence, whether or not that injury, loss or damage was reasonably foreseeable by the offender; or
- (b) where an offence results in a death, any member of the immediate family of the deceased.

Ms SUE WALKER: But it is necessarily restrictive. I will give the minister an example. Maybe the minister will include these people. The minister and I have shared correspondence with someone from Victoria who considers herself to be a victim because she was a witness in a trial and has been threatened by the prisoner. I would classify that person as a victim. She should have access to the registry to know the whereabouts of or the possible release date for the prisoner. Would that person be included as having access, under the minister's definition of victim, to the victim notification register?

Mr McGINTY: If somebody has been threatened in the circumstances described by the member, that is a criminal offence. The person who was threatened would in that sense be a victim of crime, provided charges were laid. I cannot see why in those circumstances there would be a problem with that person getting on the register. The previous Government defined victims of crime in this way. We have accepted that as being an acceptable definition of victims of crime, because it is enshrined in legislation. As with most pieces of legislation, we conduct a review of its effectiveness. We will be looking to see whether the definition inserted by Hon Cheryl Edwardes when she introduced that legislation into the Parliament is adequate or deficient; we will be looking to see whether an improvement can be made, but for present purposes we are happy to accept that which was done by the previous Government.

The CHAIRMAN: Members, we are starting to drift further into policy and debate, rather than addressing the budget. We need to come back directly to the budget. Is there a further question?

Ms SUE WALKER: I have not received an answer to my first question. By what process does the minister ascertain the needs and rights of victims? What body of people does he use to ascertain the needs and rights of victims?

Mr McGINTY: I consult with a wide variety of people, including direct victims of crime, not only as they are going through the justice system, but also, for example, people such as a young woman I met earlier this year who was a victim of crime some 19 years ago. I have talked with her, I have talked with other members of the community, I have talked with experts in the field and with public servants who were responsible for the administration.

Ms SUE WALKER: The minister has answered my question.

Mr McGINTY: I have not finished yet. I consult with a whole host of people who have an input to make on these questions, to ensure we receive the best possible advice.

Mr HILL: I refer to dot point six on page 513. Which additional regional area will be included in the supervised bail program?

Mr McGINTY: I have been very impressed with the potential of one of the bail hostels operating in the east Kimberley at Bells Spring out of Kununurra and with its ability to leave young particularly indigenous offenders in their own lands and to put them with a strong community that will hopefully give them some meaning or roots in life so that they will not continue to go off the rails, rather than send them down to Perth to pick up the tricks of the trade and go back worse for the experience as a result of spending some time at Rangeview Remand Centre. I am interested in the potential for extending those bail hostels in the remote community context, even dealing with punishment as a sentence. It is a good idea. The idea of extending bail hostels beyond that, to constitute a form of punishment, is something I will look at more closely. I will return to the Kimberley in the not too distant future and I will be keen, some nine months on, to see how Bells Spring is operating and whether it has measured up to its full potential. There is a similar community just north of Broome at Banana Well. I have not been there but I am keen to see how it is operating and to have some evaluation done of its effectiveness. Given the relative success of those two facilities, we are currently considering the Pilbara and the eastern goldfields as areas for extending that project. If the member thinks there is a case to be made out in the mid west for such a facility -

Mr HILL: I was thinking of a community like Mullewa or somewhere like that.

Mr McGINTY: I would be interested to see whether there was support from the local community to work up a proposition based on something similar to what is operating at Bells Spring. One of the things that concerns me about the operation of the three-strikes law in Western Australia, which I know the member has a particular interest in and about which I know he has conveyed his views to the Premier and others from time to time, is the capacity to deal with what is showing up to be a regional problem, or a non-metropolitan problem, and an indigenous problem with the operation of the three-strikes law. We can deal with this by looking at facilities

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outside of Perth to deal with, before and after trial, people who are caught by the operation of the three-strikes law. If there is enthusiasm for this concept coming from the regions, I would be keen to see it supported and expanded throughout the whole of Western Australia.

Mr BARRON-SULLIVAN: Does Rangeview Remand Centre or Banksia Hill Detention Centre have a swimming pool; and, if so, why does a juvenile remand centre have a swimming pool?

Mr McGINTY: There is no swimming pool at the Banksia Hill juvenile detention centre; there is at the Rangeview remand facility. I presume it is there for swimming. I have not seen it.

Mr BARRON-SULLIVAN: I did refer to Rangeview as a remand centre. Why is there a swimming pool at a remand centre for juveniles?

[3.00 pm]

Mr McGINTY: It has been there for the last decade or so, since the facility was built.

Mr BARRON-SULLIVAN: That might be the case; I understand that it has been there for a while. I am just asking why there is a swimming pool in a remand centre. I will not go into colour televisions in maximum security prisons, and all that kind of thing. I just want to know about a pool in a juvenile remand centre.

Mr McGINTY: Previous juvenile facilities at Longmore and Nyandi had swimming pools. When this facility was built about a decade ago, the facilities were replicated. In the same way that there is an oval, there is a swimming pool for people to recreate in.

**The appropriation was recommended.**